

ADDENDUM TO COMPREHENSIVE DISCIPLINE, CRIME, AND VIOLENCE USER'S GUIDE REPORTING DATA ON IN-SCHOOL SUSPENSIONS OF STUDENTS WITH DISABILITIES

Effective January 1, 2007

The following information is provided to school divisions as an addendum to the *Comprehensive Discipline, Crime, and Violence User's Guide* and should be used when reporting data for students with disabilities for the *2006-2007 Discipline, Crime, and Violence Report*. This information is taken from the United States Education Department's (USED) Office of Special Education Programs (OSEP) direction to states for reporting data for students with disabilities subject to disciplinary removal. Language in bold is new language for the 2006-2007 reporting year and is taken directly from the OSEP directions to states.

Please pay particular attention to the following three issues:

1. This is a new reporting category of in-school suspension.
2. There is new language with clarification of reporting requirements when the IEP team makes a change in placement.
3. There is new language that clarifies school divisions' responsibilities to continue providing special education services even after disciplinary removals for out of school suspensions of more than 10 days or for expulsions.

New Language:

- ***Disciplinary Removal*** – Any instance in which a child is removed from his/her educational placement for disciplinary purposes, including in-school suspension, out-of-school suspension, expulsion, removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by hearing officer for likely injury to self or others.
- ***Expulsion*** – An action taken by the local educational agency removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer in accordance with local educational agency policy. Include removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.
- ***Out-of-School Suspension*** – Instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the child continues to receive services according to his/her IEP.
- ***Unilateral Removal*** – Instances in which school personnel (not the IEP team) order the removal of children with disabilities from their current educational placements to an appropriate interim alternative educational setting for not more than 45 school days. The IEP team is responsible for

determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP team to change a student's placement.

- If, following a discipline offense, the IEP team meets and determines that the child's current placement is not the least restrictive environment for that child, and therefore makes a permanent change in the child's IEP placement, *DO NOT* report the child on the discipline report. If the child is suspended pending an IEP team meeting in which his/her IEP placement is changed, the suspension *must* be reported.
- ***In-School Suspension*** – Instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.

VDOE In-School Suspension Behavior Plan Exception:

If a behavior plan is part of the student's IEP and the behavior plan, agreed to by the parent as part of the IEP development, directs that the student be temporarily removed from the classroom into another location in the building, do not count this as in-school suspension.

NOTE: Children with disabilities must receive educational services during any removal of more than 10 school days...this includes those who were removed for less than 10 school days after an expulsion (e.g., children with disabilities expelled under the Gun-Free Schools Act whose expulsions were modified to less than 10 school days).

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